

#30000 8362
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

ORLANDO GREENE.,) Case No.:

Plaintiff,)

COMPLAINT

vs.)

VELOCITY PORTFOLIO GROUP INC,)
RADIUS GLOBAL SOLUTIONS LLC,)
PORTFOLIO RECOVERY ASSOCIATES LLC)

8-23 CV 2374-S

Defendant.)

Jury Trial: ☒ Yes ☐ No

INTRODUCTION

1. This is a civil action for actual, punitive, statutory damages and cost brought by, ("Plaintiff") an individual consumer, against defendants, Velocity Portfolio Group INC, Radius Global Solutions LLC and Portfolio Recovery Associates LLC (hereinafter "Defendants") for violations of the Fair Credit Reporting Act, 15 U.S.C § 1681 et seq. (hereinafter "FCRA") and the Fair Debt Collection Practices Act, 15 U.S.C § 1692 et seq. (hereinafter "FDCPA").

BASIS OF JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C § 1681(p), and 28 U. S. C § 1331. Venue is proper in this judicial district pursuant to 28 U.S.C. 1391(b)(1) and 28 U.S.C. § 1391(b)(2) because a substantial part of the events, omissions, or conduct giving rise to Plaintiff claim occurred in this judicial district. Defendants transact business in Red Oak, Texas.

3. The Court has supplemental jurisdiction of any state law claims pursuant to 28 U.S.C. §1367.

PARTIES

1 4. Plaintiff, Orlando Greene is a natural person and consumer as defined by 15 U.S.C. §
2 1681a(c), residing in Red Oak, Texas.

3 5. Upon information and belief, Velocity Portfolio Group INC. is a New Jersey
4 corporation headquartered at 1800 State Route 34 Ste 404A Wall Township, NJ,
07719-9147.

5 6. Upon information and belief, Radius Global Solutions LLC is a Minnesota corporation
and accepts service of process through its agent C T Corporation System 1999 Bryan St.,
Ste. 900, Dallas, TX, 75201-3136.

6 7. Upon information and belief Portfolio Recovery Associates LLC is a Delaware
7 corporation and accepts service of process through its agent Corporation Service
Company d/b/a CSC-Lawyers Incorporating Service Company 211 E. 7th Street, Suite
8 620, Austin, TX, 78701-3218

8 7. Defendants are “debt collectors” as that term is defined by 15 U.S.C. § 1692a(6).

9 8. The acts of Defendants as described in this Complaint were performed by Defendants
10 or on Defendant’s behalf by its owners, officers, agents, and/or employees acting within
the scope of their actual or apparent authority. As such, all references to “Defendants” in
11 this Complaint shall mean Defendants or their owners, officers, agents, and/or employees.

12 FACTUAL ALLEGATIONS

13 9. On or about August 1, 2023, Plaintiff reviewed his TransUnion consumer report.

14 10. In the report the Plaintiff observed unauthorized inquiries from Defendants Velocity
Portfolio Group INC, Radius Global Solutions LLC, and Portfolio Recovery Associates
LLC.

15 11. Defendant Velocity Portfolio Group INC unauthorized inquiry was made on
11/30/2022, See Exhibit A

16 12. Defendant Radius Global Solutions LLC unauthorized inquiry was made on
17 3/29/2022, See Exhibit A.

18 13. Defendant Portfolio Recovery Associates LLC unauthorized inquiry was made on
5/10/2023, See Exhibit A.

19 14. Plaintiff never initiated a consumer credit transaction with Defendants nor had an
account with the defendants.

20 15. Plaintiff never entered into a contract with the Defendants.

21 16. Plaintiff never gave any consent to defendants to access his consumer report.

1 17. Plaintiff has the interest and right to be free from deceptive, misleading collection
2 efforts.

3 18. Plaintiff have the interest and right to privacy from individuals including defendants
4 of unauthorized access of personal identifiable information in his consumer report.

5 19. Plaintiff's injury is "particularized" and "actual" in that the conduct that deprived
6 Plaintiff of his rights was directed by Defendants to Plaintiff specifically.

7 20. Plaintiff's injury is "particularized" and "actual" in that the Plaintiff has suffered
8 emotional distress from the Defendants unauthorized access of his credit report.

9 21. Plaintiff's injury is "particularized" and "actual" in that the Plaintiff has suffered an
10 invasion of his privacy. This intrusion into the Plaintiffs personal information has caused
11 a feeling of vulnerability, worry and anxiety which lead to sleeplessness and headaches.

12 22. Plaintiff's injury is "particularized" and "actual" in that the Plaintiff has suffered fear
13 and anger over the invasion of his privacy.

14 23. Plaintiff's injury is "particularized" and "actual" in that the Plaintiff as suffered loss
15 of time into research and learning to defend against the defendant's invasion of privacy.

16 24. Plaintiff's injury is directly traceable to defendant's conduct because if it weren't for
17 the defendant's conduct, Plaintiff would not have been deprived of his rights and would
18 not have been subject to the emotional distress, anxiety, worry and invasion of privacy
19 caused by the defendants actions.

20 25. Defendant's conduct as described in this complaint was willful, with the purpose
21 to either harm the Plaintiff or with reckless disregard for the harm to Plaintiff that could
result from defendant's conduct.

26. Plaintiff justifiably fears that, absent this court's intervention, defendants will continue
to use abusive, deceptive, unfair, and unlawful means in its attempts to collect alleged
debts and invade consumers privacy by continuing to access consumers information
without permissible purpose.

27. The deprivation of Plaintiff's rights will be redressed by a favorable decision
herein.

28. A favorable decision herein would redress Plaintiff's injury with money damages.

29. A favorable decision herein would serve to deter Defendants from further similar
conduct.

COUNT 1 VIOLATION OF THE FAIR CREDIT REPORTING ACT

**15 U.S.C § 1681b(f) DEFENDANTS VELOCITY PORTFOLIO GROUP INC.,
PORTFOLIO RECOVERY ASSOCIATES LLC and
RADIUS GLOBAL SOLUTIONS LLC**

30. All preceding paragraphs are realleged.

31. Defendants actions violated 15 U.S.C § 1681b(f). Permissible Purpose.

32. The Defendants violations include but are not limited to the following:

(a) Velocity Portfolio Group INC, Radius Global Solutions LLC and Portfolio Recovery Associates LLC violated 15 U.S.C § 1681b(f) by failing to have permissible purpose to obtain Plaintiff consumer report pursuant to 15 U.S.C § 1681b.

(b) Velocity Portfolio Group INC, Radius Global Solutions LLC and Portfolio Recovery Associates LLC did not have a court order to obtain Plaintiff consumer report.

(c) Plaintiff never gave written permission to Velocity Portfolio Group INC, Radius Global Solutions LLC and Portfolio Recovery Associates LLC to obtain his consumer report.

(d) Plaintiff does not have an account, which is defined under and has the same meaning under the Electronic Funds Transfer Act 15 U.S.C § 1693a (2), with Velocity Portfolio Group INC, Radius Global Solutions LLC and Portfolio Recovery Associates LLC.

(e) Pursuant to the Electronic Funds Transfer Act 15 U.S.C § 1693a the term "account" means a demand deposit, savings deposit, or other asset account (other than an occasional or incidental credit balance in an open end credit plan as defined in section 1602(i) [1] of this title), as described in regulations of the Bureau, established primarily for personal, family, or household purposes, but such term does not include an account held by a financial institution pursuant to a bona fide trust agreement;

(f) Velocity Portfolio Group INC, Radius Global Solutions LLC and Portfolio Recovery Associates LLC do not have an account with the Plaintiff according to the definition above.

33. As a result of Velocity Portfolio Group INC, Radius Global Solutions LLC and Portfolio Recovery Associates LLC violations of the Fair Credit Reporting Act, the Defendants are liable under 15 U.S.C § 1681n(a)(1)(B) for damages of \$1000 per violation.

**COUNT II VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C § 1692e(10) DEFENDANT VELOCITY PORTFOLIO GROUP INC and
PORTFOLIO RECOVERY ASSOCIATES LLC**

34. All preceding paragraphs are realleged.

1 35. 15 U.S.C. § 1692e prohibits a debt collector from using "any false, deceptive, or
misleading representation or means in connection with the collection of any debt."

2 36. Specifically, 15 U.S.C. § 1692e(10) prohibits "The use of any false representation or
3 deceptive means to collect or attempt to collect any debt or to obtain information
concerning a consumer."

4 37. By pulling Plaintiff's consumer credit report without a permissible purpose,
5 Defendant used a false representation or deceptive means to obtain information
concerning a consumer in violation of 15 U.S.C. § 1692e(10).

6 38. As a result of this conduct, Plaintiff suffered damage of invasion of privacy which led
to anxiety, emotional distress, loss of time, fear, and loss of sleep.

7 39. As a result of Velocity Portfolio Group INC and Portfolio Recovery Associates LLC
8 violations of the Fair Debt Collection Practices Act, the Defendant is liable under 15
U.S.C § 1692k(a)(1) and 15 U.S.C § 1692k(a)(2)(A) for damages.

9
10
11 **JURY DEMAND AND PRAYER FOR RELIEF**

12 Wherefore, Plaintiff Orlando Greene, respectfully demands a jury trial and request
that judgment be entered in favor of the Plaintiff against the Defendants for:

13 (A) Violating the Fair Credit Reporting Act and Fair Debt Collection Practices Act

14 (B) Damages pursuant to 15 U.S.C § 1681n(a)(1)(B) of \$1000 per violation.

15 (C) Damages pursuant to 15 U.S.C § 1692k(a)(1) and 15 U.S.C § 1692k(a)(2)(A).

16 (D) Punitive damages as the court may allow pursuant to 15 U.S.C § 1681n(a)(2) and
For such other and further relief as the court may deem just and proper.

17
18 *Orlando Greene*
19 Orlando Greene
20 311 Pebble Creek Dr.
Red Oak, TX 75154
[ogreene685@gmail.com]
21 [313-471-9142]

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Location
2 CIRCLE STAR WAY
2ND FLOOR
SAN CARLOS, CA 94070

Requested On
05/17/2023, 06/03/2022, 05/11/2022,
05/09/2022

Phone
(650) 204-1000

BEST EGG

Location
PO BOX 42912
PHILADELPHIA, PA 19101

Requested On
05/17/2023

Phone
(855) 282-6353

UPGRADE

Location
275 BATTERY ST SUITE 2300
SAN FRANCISCO, CA 94111

Requested On
05/17/2023, 06/03/2022

Phone
(855) 997-3100

ORLANDO GREENE via TUCI - LENDING TREE

Location
100 CROSS STREET
SUITE 101
SAN LUIS OBISPO, CA 93401

Requested On
05/17/2023, 05/09/2022

Phone
(844) 580-6816

PORTFOLIO RECOVERY ASSO

Location
140 CORPORATE BLVD
NORFOLK, VA 23502

Requested On
05/10/2023

Phone
(888) 772-7326

LENDING CLUB BANK

Location
595 MARKET ST
SUITE 200
SAN FRANCISCO, CA 94105

Requested On
12/10/2022, 11/09/2022, 10/10/2022,
09/13/2022, 08/08/2022,
07/09/2022, 06/08/2022,
05/08/2022

Phone
(800) 341-5607

VELOCITY PORTFOLIO GROUP

Location
1800 ROUTE 34N
SUITE 404A
WALL, NJ 07719

Requested On
11/30/2022

Phone
(732) 556-9090

OLIPHANT FINANCIAL DB

Location
2601 CATTLEMEN ROAD
SUITE 300
SARASOTA, FL 34232

Requested On
11/28/2022

Phone
(800) 262-1999

Exhibit A

Location
1309 E 3RD AVE
UNIT 202
DURANGO, CO 81301

Requested On
05/09/2022

Phone
(314) 359-9248

LENDING CLUB BANK

Location
595 MARKET ST
SUITE 200
SAN FRANCISCO, CA 94105

Requested On
04/14/2022

Phone
(800) 341-5607

RADIUS GLOBAL SOLUTIONS

Location
9550 REGENCY SQUARE BLVD
SUITE 602
JACKSONVILLE, FL 32225

Requested On
03/29/2022

Phone
(866) 394-2675

Credit Report Messages

To add, remove, or modify a fraud alert, please visit transunion.com/fraud-alerts.

Your credit report contains the following messages

Promotional opt-out

This file has been opted out of promotional lists supplied by TransUnion.
(Note: This opt-out has no expiration date.)

Additional Information

The following disclosure of information might pertain to you. The additional information may include Special Messages, Office of Foreign Assets Control ("OFAC") Potential Matches, Inquiry Analysis, Military Lending Act ("MLA") Covered Borrower Information, Third Party Supplemental Information and/or Consumer Contributed Financial Information. Authorized parties may also receive the additional information below from TransUnion.

Third Party Supplemental Information

In addition to the information maintained in the above credit report, TransUnion will occasionally contact a third party for supplemental information in connection with a particular transaction in response to a request from a particular customer. Listed below is the supplemental data that TransUnion obtained from such third parties, as well as the name(s) of the TransUnion customer for whom it was obtained.

Checking Account and Demand Deposit Account (DDA) Activity

Data Source:

Exhibit A

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Orlando Greene

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

Ellis County

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

Velocity Portfolio Group, Inc.,
Radius Global Solutions LLC,
Portfolio Recovery Associates LLC

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

OCT 26 2023

CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff☒ 3 Federal Question
(U.S. Government Not a Party)☐ 2 U.S. Government Defendant☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Violations of the FCRA and FDCPA
 Brief description of cause:
 Violations of the FCRA and FDCPA

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

September 19, 2023

Orlando Greene

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE